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R-11771

ORDINANCE NO. 0-2001- 47

AN ORDINANCE AMENDING ORDINANCE NO. 0-2001-13; REPEALING ANY OTHER ORDINANCES IN CONFLICT; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and City Council desire to amend Ordinance No. 0-2001-13;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

SECTION 1. That Ordinance No. 0-01-13 is hereby amended as follows:

A. The highlighted language shall be added to Section 2(a):

"Each department shall provide for open competitive examinations to test the relative fitness of applicants for positions. Each department shall, consistent with state and federal law, promulgate qualifications for each position in that department. Such testing shall be administered by a qualified outside agency **or the human resources director from an outside test.**"

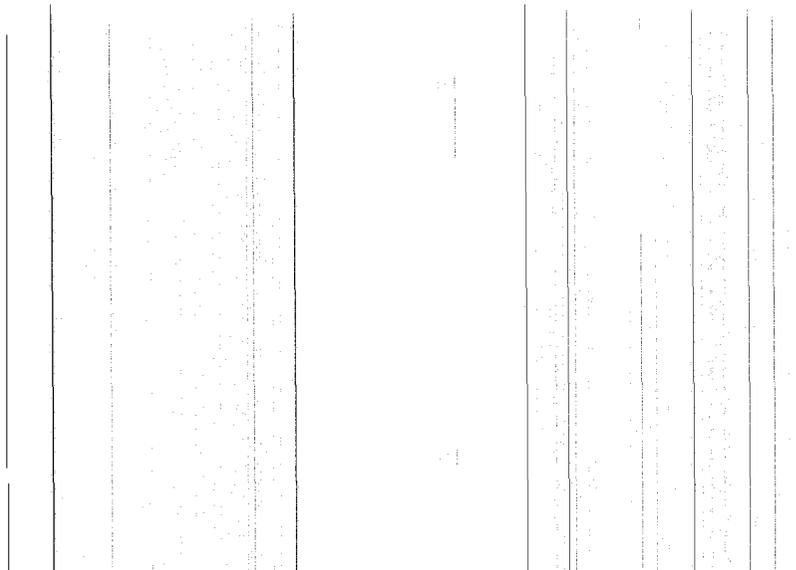
B. The highlighted language shall be added to Section 2(b) as Section 2(b)(2), and the former paragraphs Section 2(b)(2) and 2(b)(3) shall be renumbered 2(b)(3) and 2(b)(4) respectively:

"2. The minimum passing score shall be seventy percent (70%)."

C. The highlighted language shall be added to Section 2(e)(3):

"Within ten (10) **working** days after receipt of the notice, he may request, in writing, an appeal to the Mayor."

D. The highlighted language shall be added to Section 2(e)(4):



"Upon receipt of a written appeal, the Mayor, within his discretion, may review any relevant documentation or interview any persons, including the employee, regarding the appeal. Within ten (10) **working** days of receipt of the appeal, the Mayor shall notify the employee of his decision in writing."

E. The highlighted language shall be added to Section 2(e)(5):

"Subsequent to the Mayor's decision, the employee may appeal to an Appeals Board comprised of members of the City Council. Such an appeal shall be submitted, in writing, to the City Clerk of the City of Conway within ten (10) **working** days of receipt of the Mayor's decision. "

F. The highlighted language shall be added to Section 2(e)(6):

"A hearing before the Appeals Board shall be held not more than thirty (30) days from the date the written appeal is received. Notice of the time and place of the hearing shall be provided to the employee not less than ten (10) **working** days prior to the hearing. The Appeals Board shall consist of five (5) members of the City Council who shall be selected by the City Clerk drawing names out of a container in the presence of the employee and one (1) member of the City Council. Prior to the drawing the employee may, within five (5) **working** days of receipt of notice of the hearing, submit a list to the City Clerk of not more than two (2) council members who shall be excluded from the random selection of Appeals Board members. At the hearing, the Appeals Board may review relevant documents provided by either the employee or the Department. The Appeals Board may hear from witnesses in support of the adverse decision against the employee, and the employee shall have a reasonable opportunity to

present testimony in his defense of the reasons for the prior adverse decision. Hearings before the Appeals Board do not include any right to cross-examine or confront witnesses, although an employee may have counsel present to otherwise assist him. All proceedings before the Appeals Board shall be recorded by the City Clerk. The Appeals Board shall render its decision in writing no later than ten (10) **working** days from the date of the hearing.”

SECTION 2. That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

SECTION 3. That this ordinance shall go into effect from and after its passage and publication.

PASSED this 26th day of June, 2001.



MAYOR TAB TOWNSELL

ATTEST:



MICHAEL O. GARRETT, CITY CLERK